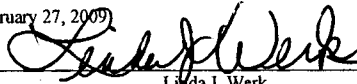


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Richard Housman, an Individual	)	<b>Petition to Cancel</b>
	)	
	)	Cancellation No. _____
Petitioner	)	Registration No. 3,143,630
	)	Date of Issue: December 9, 2003
v.	)	Registration No. 3,324,387
	)	Date of Issue: October 30, 2007
Ray Marks Co. LLC	)	
	)	
Respondent	)	#78734364
	)	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Priority Mail No. 0308 1400 0001 9106 8805 in an envelope addressed as follows:  
Box TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451

Date: February 27, 2009



Linda J. Werk

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Petitioner, Richard Housman, is an individual and citizen of the United States of America, residing at 3369 South Robertson Boulevard, Los Angeles, California 90034.

To the best of petitioner's knowledge, and on information and belief, Ray Marks Co. LLC is a limited liability company organized and existing under the laws of the state of New York, having an office at 375 Greenwich Street. C/O Watch Entertainment, Inc., New York, NY 10013 and is the listed owner of Registration Nos. 3,143,630 and 3,324,387.

Petitioner believes that he is or will be damaged by Registration Nos. 3,143,630 and 3,324,387, and hereby Petitions to Cancel the same.



03-02-2009

Description of Respondents Registrations:

1. Registration No. 3,143,630, filed October 17, 2005 for the word mark EVERY DAY WITH RACHAEL RAY, issued September 12, 2006 on the principal register in International Class 016 for magazine related to cooking, food and entertaining, alleging dates of first use and first use in Commerce of October 31, 2005.

2. Registration No. 3,324,387, filed June 22, 2006 for the design mark



issued October 30, 2007 on the principal register in International Class 016 for magazine related to cooking, food and entertaining, alleging dates of first use and first use in Commerce of October 31, 2005.

As grounds for this Petition, it is alleged that:

3. Petitioner is the owner of Registration No. 3,202,454, filed August 15, 1997 for the word mark EVERYDAY issued January 23, 2007 on the principal register in International Class 016 for an inspirational daily planner magazine alleging dates of first use and first use in Commerce of May 17, 2006.

3. Petitioner has a real interest in the Petition to Cancel. By applying for and obtaining Registration Nos. 3,143,630 and 3,324,387, Respondent has diluted, violated, abrogated, and converted Petitioner's rights in the mark EVERYDAY.

4. Respondent's acts of applying for and obtaining Registration Nos. 3,143,630 and 3,324,387 for goods in International Class 016 marks for magazine related to cooking, food and

entertaining has and will dilute, violate, abrogate, and convert Petitioner's rights in the mark EVERYDAY for inspirational daily planner magazines.

WHEREFORE, Petitioner prays that Registration Nos. 3,143,630 and 3,324,387 be canceled and that this Petition to Cancel be sustained in favor of Petitioner.

Respectfully submitted,

Dated: February 27, 2009

A handwritten signature in black ink, appearing to read 'Robert Berliner', is written over a horizontal line.

Robert Berliner, Reg. No. 20,121  
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Los Angeles, CA 90013  
Tel: 213-533-4171

Attorney for Petitioners